IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6038 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DAHYABHAI ARJANBHAI

Versus

EXECUTIVE EINGINEER

Appearance:

MR GM AMIN for Petitioner

MR PARESH UPADHYAY for Respondent No. 1

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 18/02/2000

ORAL JUDGEMENT

By means of filing this petition under Article 226 of the Constitution of India, the petitioner, who was at the relevant time serving as a Tube-well Operator under the Executive Engineer, Gujarat Water Resources Development Corporation, Ahmedabad has challenged the

order passed by the respondent deducting Rs.50/- from his salary as the meter on the tube-well was found tempered with by the G.E.B. personnel during the surprise visit on account of his involvement.

2. The petitioner has filed the petition seeking relief of restraining the respondents, their agents and servants from deducting Rs.50/- per month from his salary during the pendency and final hearing of this petition. It may be appreciated that while issuing rule on the petition by this Court, no interim order was recorded in favour of the petitioner.

3. Today, when the matter was called out, none appeared on behalf of the petitioners, whereas learned advocate Mr. Upadhyaya appeared on behalf of the respondents and made a statement that the respondents have already recovered Rs.10,804=50 from the petitioner and the petitioner has also taken voluntary retirement on 5-9-98. It appears from the aforesaid state of affairs that since the petitioner has taken voluntary retirement, he does not appear to be interested in further prosecuting this Special Civil Application. However, if he is aggrieved against the recovery of Rs.10,804=50, made by the respondents from him, he is at liberty to make a representation before the concerned department.

4. In view of the aforesaid position, this petition now does not survive as the petitioner is not interested in prosecuting the remedy further. It is also made clear that if the petitioner want to make a representation against the recovery of Rs.10,804-50 made by the respondents from him, he is permitted to make a representation before the concerned department and the disposal of this petition will not come in the way of the petitioner.

5. Subject to the aforesaid observations and direction , this petition stands disposed of as not survive. Rule discharged. No order as to cost.

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